

REMARKS

Responsive to the lack of unity determination imposed in the outstanding Official Action, applicants hereby provisionally elect Group IX, claims 24-25 and 32, drawn to a 2-hydroxyisoflavanone dehydratase comprising a sequence of SEQ ID NO: 3, with traverse. The grounds for traverse are that the outstanding Official Action fails to satisfy the requirements of PCT Rule 13.1 and 13.2.

PCT Rule § 13.1 states that an "International application shall relate to one invention only or a group of inventions so as to form a single general inventive concept". PCT Rule § 13.2 stipulates that when a group of inventions is claimed in one and the same International application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean "those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art." Accordingly, PCT Rules 13.1 and 13.2 are art-based.

In an effort to satisfy this requirement, the Official Action cites to HAMANATSUKA and argues that the technical feature linking Groups I-VIII appears to be that they all relate to a 2-

hydroxyisoflavanone dehydratase comprising a sequence of SEQ ID NO: 1 or SEQ ID NO: 3. However, HAMANATSUKA neither discloses nor suggests a 2-hydroxyisoflavanone dehydratase of SEQ ID NO: 1 or SEQ ID NO: 3. Rather, HAMANATSUKA merely discloses a purified preparation that may contain the enzyme. Accordingly, applicants respectfully submit that HAMANATSUKA fails to satisfy the art-based requirement of PCT Rules 13.1 and 13.2. In this regard, applicants respectfully request that the lack of unity determination be withdrawn and that a search and examination of all the claims in their full scope be undertaken.

At the very least, applicants respectfully request that the polynucleotides of Group X, claims 26-31 and 35-43, be examined with Group IX. Group X is directed to a polynucleotide encoding the 2-hydroxyisoflavanone dehydratase of Group IX. Accordingly, applicants believe that Groups IX and X are sufficiently related. Indeed, the polynucleotide of SEQ ID NO: 4 encodes for the 2-hydroxyisoflavanone dehydratase of SEQ ID NO: 3.

Thus, in view of the above, applicants respectfully request a search and examination of all the claims in their full scope. At the very least, applicants respectfully request the examination of Groups IX and X.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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